



SO ORDERED.

SIGNED this 12 day of February, 2010.



Randy D. Doub
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

IN RE:

**FULCHER TIRE SALES & SERVICE, INC.,
DEBTOR**

**CHAPTER 11
CASE NO. 10-00172-8-RDD**

**MEMORANDUM OPINION SUPPORTING
ORDER APPOINTING CHAPTER 11 TRUSTEE**

Pending before the Court is the Emergency Motion for Appointment of a Chapter 11 Trustee filed by Branch Banking and Trust Company ("BB&T") on January 20, 2010 (the "Motion"), the Response of the United States Bankruptcy Administrator to the Motion of Branch Banking and Trust Company to Appoint a Chapter 11 Trustee filed by the Bankruptcy Administrator on January 25, 2010 (the "Response"), and the Debtor's Response to BB&T's Emergency Motion for Appointment of a Chapter 11 Trustee filed by Fulcher Tire Sales & Service, Inc. (the "Debtor") on January 25, 2010 (the "Objection"). The Court conducted a hearing to consider the Motion, the Bankruptcy Administrator's Response, and the Objection on February 4, 2010 and February 5, 2010.

For the reasons set forth in the Memorandum Opinion Supporting Order Appointing Chapter 11 Trustee in TAAF, LLC, docketed as case no. 10-00171-8-RDD, the Court having reviewed the pleadings, the other filings in this case, and the testimony presented, for good cause shown, hereby

appoints John Bircher, Esquire, of New Bern, North Carolina, as Chapter 11 Trustee pursuant to 11 U.S.C. § 1104. Furthermore, Mr. Bircher shall exercise all the powers and duties of a trustee as provided in 11 U.S.C. § 1106(a).

The Debtor, Todd A. Fulcher, and any employees of the Debtor shall fully cooperate with the Chapter 11 Trustee, including but not limited to, timely providing relevant documents, corporate books and records, bank statements, insurance binders, or any other information as requested by the Chapter 11 Trustee.

SO ORDERED.

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